IN THE HIGH COURT OF JUDICATURE

ANDHRA PRADESH
AT HYDERABAD

THE HON'BLE MR JUSTICE J.CHELAMESWAR

and
THE HON'BLE MR JUSTICE M.VENKATESWARA REDDY

WRIT PETITION NO : 18545 of 2005

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Dated: 23rd August 2005.

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Between:

The Director of Treasuries and Accounts, A.P. Hyderabad and others

..... PETITIONERS

AND

Sri Ak.Ramthujani

.....RESPONDENT

THE HON'BLE SRI JUSTICE J. CHELAMESWAR

AND

THE HON'BLE SRI JUSTICE M. VENKATESWARA REDDY

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W.P.NO.18545 OF 2005

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ORAL ORDER:

(Per the Hon'ble Sri Justice J.Chelameswar)

The sole respondent retired from service in the month of June 1996 as Sub-treasury Officer. It appears that while he was in service and working as Senior Accountant, his pay was upgraded, on the ground that some of his juniors in the same grade were drawing higher pay than him. All this took place in the years 1984-87.

After the respondent retired from service and submitted papers for pension and other retiral benefits, it was noticed by the petitioners that the decision to upgrade his pay itself was, according to the belief of the petitioners, illegal and therefore the petitioners sought to recover an amount of Rs.35,000/- from out of the amounts due to him towards retiral benefits. Challenging the decision of the petitioners herein to withhold the abovementioned amount, the respondent approached the Anahdra Pradesh Administrative Tribunal (for short 'the Tribunal') in O.A.No.329 of 1998. The Tribunal by order, impugned in this writ petition, dated 22nd June 2004 allowed the O.A. on the simple ground that there was violation of principles of natural justice as the respondent was not put on notice before the petitioners took the decision of withholding the abovementioned amounts.

We do not see any reason to interfere with the order of the Tribunal. The writ petition is without merit and is dismissed accordingly, at the stage of admission. No costs.

However, it is open for the petitioners to withhold the abovementioned amounts, if they are entitled to do so, after following due process of law.

J.Chelameswar, J

M.Venkateswara Reddy, J

23rd August 2005

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